

IN THE CLAIMS:

Please cancel claims 21-47 and add new claims 48-67 as follows:

--48. A method of conferring resistance to pathogenic fungi on a plant using a DNA sequence encoding a member of the sarcotoxin 1 family or the cecropin family of anti-bacterial peptides from a Diptera insect, the method comprising the steps of: transforming a plant cell by introducing the DNA sequence encoding the member of the sarcotoxin 1 family or the cecropin family; and regenerating the transformed plant cell into a transgenic plant expressing the member of the sarcotoxin 1 family or the cecropin family, wherein the DNA encoding the member of the sarcotoxin 1 family or the cecropin family from a Diptera insect is in an expression vector, wherein said expression vector comprises:

- Sub L1
- i) an expression cassette comprising a first plant promoter induced by stress; and
 - ii) a second plant promoter which is constitutively expressed,

wherein the first plant promoter and the second plant promoter are positioned adjacent to each other, and wherein the transgenic plant has enhanced resistance to pathogenic fungi as compared to a corresponding untransformed plant.

49. The method according to claim 48, wherein the pathogenic fungi are *Rhizoctonia solani*, *Pythium aphanidermatum*, and *Phytophthora infestans*.

50. The method according to claim 48, wherein the member of the sarcotoxin 1 family is sarcotoxin 1a.

51. The method according to claim 48, wherein the member of the cecropin family is cecropin A.

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SuB L2

52. The method according to claim 48, wherein said expression vector comprises:

- i) the expression cassette comprising the DNA sequence encoding the member of the sarcotoxin 1 family or the cecropin family operably linked to the first plant promoter; and
- ii) a drug resistance gene operably linked to the second plant promoter.

SuB L3

53. The method according to claim 48, wherein the DNA sequence encoding the member of the sarcotoxin 1 family or the cecropin family is operably linked to a plant gene via the hinge region of a tobacco chitinase gene.

54. The method according to claim 48, wherein the DNA sequence encoding the member of the sarcotoxin 1 family or the cecropin family is operably linked to a signal sequence from a plant gene.

55. The method according to claim 48, wherein the promoter induced by stress is the promoter of the tobacco PR-1a gene.

SuB L3

56. The method according to claim 52, wherein the expression cassette further comprises the terminator of the tobacco PR-1a gene operably linked downstream of the DNA sequence encoding the member of the sarcotoxin 1 family or the cecropin family.

57. The method according to claim 48, wherein the second plant promoter is the cauliflower mosaic virus 35S promoter.

SuB E4

58. A plant which confers resistance to pathogenic fungi, the plant comprising an expression vector, wherein the expression vector comprises:

- i) an expression cassette comprising a DNA sequence encoding a member

of the sarcotoxin 1 family or the cecropin family of antibacterial peptides from a Diptera insect operably linked to a promoter induced by stress; and ii) a drug resistance gene operably linked to a constitutively expressed promoter,

wherein the promoter induced by stress and the constitutively expressed promoter are positioned adjacent to each other, and wherein the transgenic plant has enhanced resistance to pathogenic fungi as compared to a corresponding untransformed plant.

59. The plant according to claim 58, wherein the pathogenic fungi are *Rhizoctonia solani*, *Pythium aphanidermatum*, and *Phytophthora infestans*.

60. The plant according to claim 58, wherein the member of the sarcotoxin 1 family is sarcotoxin 1a.

61. The plant according to claim 58, wherein the member of the cecropin family is cecropin A.

62. The plant according to claim 58, wherein the DNA sequence encoding the member of the sarcotoxin 1 family or the cecropin family is operably linked to a plant gene via the hinge region of a tobacco chitinase gene.

63. The plant according to claim 58, wherein the DNA sequence encoding the member of the sarcotoxin 1 family or the cecropin family is operably linked to a signal sequence from a plant gene.

64. The plant according to claim 58, wherein the promoter induced by stress is the promoter of the tobacco PR-1a gene.